(18)

No. 04-105
Title: United States, Petitioner
v.
Ducan Fanfan
Docketed: July 21, 2004
Lower Ct: United States Court of Appeals for the First Circuit
Case Nos.: (04-1946)
Rule 11

Questions Presented

~~Date~~~	~~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~~~
Jul 21 2004	Petition for a writ of certiorari before judgment filed. (Response due July 28, 2004)
Jul 21 2004	Motion of the Acting Solicitor General to expedite consideration filed. (Vided)
Jul 21 2004	The respondent is directed to file responses to the petition for a writ of certiorari before judgment and to the motion to expedite consideration on or before 3 p.m., Wednesday, July 28, 2004.
Jul 23 2004	Letter from Acting Solicitor General, dated July 22, 2004, received, VIDED. (Distributed).
Jul 28 2004	Brief of respondent in opposition filed.
Jul 28 2004	Response to motion to expedite consideration filed.
Jul 28 2004	Brief amici curiae of National Association of Criminal Defense Lawyers, et al. filed. VIDED.
Jul 29 2004	Motion of petitioner to file reply brief in excess of page limits filed. (Distributed.) VIDED.
Jul 29 2004	Reply brief of petitioner received.
Jul 29 2004	Reply of petitioner in support of motion to expedite consideration of the petition and expedited briefing schedule. filed. VIDED. (Distributed)
Aug 2 2004	Motion to file reply brief in excess of page limits GRANTED.
Aug 2 2004	Motion to expedite consideration filed by petitioner GRANTED.
Aug 2 2004	The motion of the Acting Solicitor General for leave to file a reply brief in excess of the page limits is granted. The petition for a writ of certiorari before judgment is granted. This case is consolidated with 04-104, and a total of two hours is allotted for oral argument. The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, September 1, 2004. The briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, September 21, 2004. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, September 27, 2004. Oral argument is set for Monday, October 4, 2004.
Aug 9 2004	CIRCULATED.
Aug 13 2004	Application (04A127) of the Acting Solicitor General to file petitioner's brief on the merits in excess of page limits, submitted to Justice Stevens.
Aug 13 2004	Application (04A127) to file in excess of page limits granted by Justice Stevens. The brief may not exceed 70 pages.
Aug 16 2004	Record received from U.S.D.C. for District of Maine. (1 box including 1sealed envelope)
Aug 24 2004	SET FOR ARGUMENT Monday, October 4, 2004.
Aug 27 2004	Motion to dispense with printing the joint appendix filed by petitioner the Solicitor

	General (VIDED).
Sep 1 2004	Brief of petitioner United States filed. VIDED. (Distributed)
Sep 1 2004	Brief amicus curiae of Ad Hoc Group of Former Judges in support of neither party filed. VIDED. (Distributed)
Sep 1 2004	Brief amici curiae of Orrin Hatch, et al. filed. VIDED. (Distributed)
Sep 1 2004	Brief amicus curiae of United States Sentencing Commission filed. VIDED. (Distributed)
Sep 7 2004	Motion for divided argument filed by respondents (VIDED).
Sep 9 2004	Brief amicus curiae of Federal Public Defender filed. VIDED. (Distributed)
Sep 16 2004	Motion of Ad Hoc Group of Former Judges in support of neither party for leave to participate in oral argument as amicus curiae and for divided argument filed.
Sep 21 2004	Brief amicus curiae of National Association of Federal Defenders filed. VIDED. (Distributed)
Sep 21 2004	Brief of respondent Ducan Fanfan filed. VIDED. (Distributed)
Sep 21 2004	Brief of Shapiro, Alexandra A.E. New York Council of Defense Lawyers in opposition filed. VIDED. (Distributed)
Sep 21 2004	Brief amicus curiae of Families Against Mandatory Minimums filed. VIDED. (Distributed)
Sep 21 2004	Brief amici curiae of Washington Legal Foundation and Allied Educational Foundation filed. VIDED. (Distributed)
Sep 21 2004	Brief amicus curiae of National Association of Criminal Defense Lawyers filed. VIDED. (Distributed)
Sep 21 2004	Brief amicus curiae of Thomas F. Liotti filed. VIDED. (Distributed)
Sep 27 2004	Motion to dispense with printing the joint appendix filed by petitioner GRANTED.
Sep 27 2004	Motion for divided argument filed by respondent GRANTED. Counsel must be prepared to discuss both questions presented.
Sep 27 2004	Motion of Ad Hoc Group of Former Judges in support of neither party for leave to participate in oral argument as amicus curiae and for divided argument DENIED.
Sep 27 2004	Reply of petitioner United States filed. VIDED. (Distributed) TBP
Oct 4 2004	Argued.
Oct 4 2004	Argued. Argued. For petitioners: Paul D. Clement, Acting Solicitor General, Department of Justice, Washington, D.C. For respondent Booker: T. Christopher Kelly, Madison, Wis. For respondent Fanfan: Rosemary Scapicchio, Boston, Mass
Oct 6 2004	Letter from the Acting Solicitor General proposing a lodging received. (Distributed) VIDED.
Oct 8 2004	LODGING approved and received (forty copies of Estimated Number of Cases Possibly Impacted by Blakely received from Acting Solicitor General). (Distributed). VIDED.
Oct 13 2004	Letter from counsel for the respondent Fanfan, dated October 8, 2004, objecting to lodging of Memorandum by the Acting Solicitor General received. VIDED. (Distributed).